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Air Pollution Regulations in State Implementation Plans: California, Federally Promulgated Regulations

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

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Office of Air Quality
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Research Triangle Park NC 27711

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Air Pollution Regulations in State Implementation Plans:

California
Federally Promulgated Regulations

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This document has been produced in compliance with Section 110(n)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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California

Federally Promulgated Regulations

by

Walden Division of Abcor, Inc.
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EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

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Publication No. EPA-450/3-78-054-48

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

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(14.0) 52.224 Regulation for public availability of data.

52.224 General requirements.

(a) Except in the Air Pollution Control Districts (APCD) listed in this paragraph, the requirements of 51.10(e) of this chapter are not met since the plan does not provide procedures by which emission data, as correlated with applicable emission limitations, will be made available to the public.

(1) Northeast Plateau Intrastate:

(i) Siskiyou County APCD

(ii) Shasta County APCD

(2) Sacramento Valley Intrastate:

(i) Sutter County APCD

(ii) Glenn County APCD

(iii) Tehama County APCD

(iv) Sierra County APCD

(v) Shasta County APCD

(vi) Sacramento County APCD.

(3) San Diego Intrastate:

(i) San Diego County APCD

(4) Southeast Desert Intrastate:

(i) San Diego County APCD

(ii) Kern County APCD

(5) San Joaquin Valley Intrastate.

(i) Stanislaus County APCD

(ii) Fresno County APCD

(iii) Calaveras County APCD

(iv) Tuolumne County APCD

(v) San Joaquin County APCD

(vi) Mariposa County APCD

(vii) Tulare County APCD

(viii) Kern County APCD

(ix) Madera County APCD

(6) North Coast Intrastate:

(i) Siskiyou County APCD

(ii) Lake County APCD

(7) Great Basin Valleys Intrastate:

(i) Great Basin Unified APCD

(8) Metropolitan Los Angelos Intrastate:

(i) Ventura County

(9) North Central Coast Intrastate:

(i) Monterey Bay Unified APCD

(b) Regulation for public availability of emission data.

(1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, except for those APCD's specified in paragraph (a), concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the intial notification by the Regional Administrator pursuant to paragraph (b) (1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other

information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 - June 30 and July 1 - December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

(10.0) 52.233 Regulation for review of new sources and modifications.

(f) Regulation for review of new sources and modifications.

(1) The requirements of this paragraph are applicable to:

(i) Any stationary source in the specified portions of the regulations listed below, the construction or modification of which is commenced after the effective date of this regulation:

(a) Metropolitan Los Angeles Intrastate (81.17 of this chapter):

(1) Ventura County Air Pollution Control District.

(2) Santa Barbara County APCD

(b) Sacramento Valley Intrastate (81.167 of this chapter):

(1) Sacramento County Air Pollution Control District.

(c) San Joaquin Valley Intrastate (81.167 of this chapter):

(1) Mariposa County Air Pollution Control District.

(d) South Central Coast Intrastate (81.166 of this chapter):

(1) Santa Barbara County Air Pollution Control District

(ii) Any stationary source subject to the requirements of 52.226(c), 52.227(c), 52.228(b), or 52.230(b), the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of a stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will be operated without causing a violation of any local, State, or Federal regulations which are part of the applicable plan.

(ii) The source will not prevent or interfere with attainment or maintenance of any national standard.

(4) (i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (f) (4) (ii) of this section, shall be the date on which all require information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to state and local air pollution control agencies, having cognizance over the location where the source will be situated.

(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on the application within thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of this approval, conditional approval, or denial of the application, and shall set forth his reason for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (f) (4) (ii), (iv) or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(5) The Administrator may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require.

(ii) Safe access to each port.

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date or initial startup of the source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of the source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source the owner or operator of such source shall conduct a performance test(s) in accordance with methods and under operating conditions approved by the Adminsitrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and may also conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(iv) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with all local, State and Federal regulations which are part of the applicable plan.

(9) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air-conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators which has a heat input of not more than 250 MBtu/h (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 0.5 grain H_2S per 100 $stdft^3$ (5.7 g/100 $stdm^3$); has a heat input of not more than 1 MBtu/h (250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analyses.

(vi) Other sources of minor significance specified by the Administrator.

(10) Approval to construct or modify shall not relieve any person of the responsibility to comply with any local, State or Federal regulation which is part of the applicable plan.

(11) Any owner or operator who constructs, modifies or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(g) Regulation for review of new sources and modification.

(1) The requirements fo this paragraph are applicable to any stationary source in the specified portions of the regions listed below, the construction or modification of which is commenced after the effective date of this regulation.

(i) (Reserved)

(ii) Metropolitan Los Angeles Intrastate (81.17 of this chapter):

(a) Los Angeles County Air Pollution Control District.

(b) Orange County Air Pollution Control District.

(c) Riverside County Air Pollution Control District.

(d) San Bernardino County Air Pollution Control District.

(iii) North Central Coast Intrastate (81.160 of this chapter):

(a) Monterey-Santa Cruz Unified Air Pollution Control District.

(b) San Benito County Air Pollution Control District.

(iv) North Coast Intrastate (81.161 of this chapter):

(a) Humboldt County Air Pollution Control District.

(b) Mendocino County Air Pollution Control District.

(c) Siskiyou County Air Pollution Control District.

(v) Northeast Plateau Intrastate (81.162 of this chapter):

(a) Lassen County Air Pollution Control District.

(b) Siskiyou County Air Pollution Control District.

(c) Modoc County Air Pollution Control District.

(d) Shasta County Air Pollution Control District.

(vi) Sacramento Valley Intrastate (81.163 of this chapter):

(a) El Dorado County Air Pollution Control District.

(b) Glenn County Air Pollution Control District.

(c) Nevada County Air Pollution Control District.

(d) Placer County Air Pollution Control District.

(e) Plumas County Air Pollution Control District

(f) Shasta County Air Pollution Control District.

(g) Sierra County Air Pollution Control District.

(h) Sutter County Air Pollution Control District.

(i) Yolo-Solano Unified Air Pollution Control District.

(vii) San Diego Intrastate (81.164 of this chapter):

(a) San Diego Intrastate Air Pollution Control District.

(viii) San Joaquin Intrastate (81.167 of this chapter):

(a) Amador County Air Pollution Control District.

(b) Tuolumne County Air Pollution Control District.

(c) Calaveras County Air Pollution Control District.

(d) Fresno County Air Pollution Control District.

(e) Kern County Air Pollution Control District.

(f) Kings County Air Pollution Control District.

(g) Madera County Air Pollution Control District.

(h) Merced County Air Pollution Control District.

(i) San Joaquin County Air Pollution Control District.

(j) Stanislaus County Air Pollution Control District.

(k) Tulare County Air Pollution Control District.

(ix) Southeast Desert Intrastate (81.167 of this chapter):

(a) Los Angeles County Air Pollution Control District.

(b) Riverside County Air Pollution Control District.

(c) San Bernardino County Air Pollution Control District.

(d) San Diego County Air Pollution Control District.

(e) Kern County Air Pollution Control District.

(x) San Francisco Bay Area Intrastate (81.21 of this chapter):

(a) Yolo-Solano Unified Air Pollution Control District.

(2) No owner or operator shall commence construction or modification of any new source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to paragraph (g) (3) of this section.

(v) Any additional information, plans, specification, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) (i) Within twenty (20) days after receipt of an application to construct, or any additionto such application, the Adminsitrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (g) (4) (ii) of this section, shall be the date on which all required information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be con-

structed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to state and local air pollution control agencies, having cognizance over the location where the source will be situated.

(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (g) (4) (ii), (iv) or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with any local, State, or Federal regulation which is part of the applicable plan.

(7) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air-conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators, which has a heat input of not more than 250 MBtu/h (62.4 billion g-cal/h)and burns only gaseous fuel containing not more than 20.0 grain H_2S per 100 $stdft^3$ (54.8 g/100 $stdm^3$); has a heat input of not more than 1 MBtu/h 250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analyses.

(vi) Other sources of minor significance specified by the Administrator.

(8) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(h) The requirements of 51.18 of this chapter are not met since the State of California failed to submit a plan for review of new or modified indirect sources.

(i) Regulation for review of new or modified indirect sources. The provisions of 52.22(b) of this chapter are hereby incorporated by

reference and made a part of the applicable implementation plan for the State of California.

(j) Delegation of authority.

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to this section in accordance with paragraphs (j) (2), (3), and (4) of this section.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency other than a Regional Office of the Environmental Protection Agency, a copy of the notice pursuant to paragraph (f) (4) (iii) and (g) (4) (iii) of this section shall be sent to the Administrator through the appropriate Regional Office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a Regional Office of the Environomental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal Land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to new source review requirements which have been delegated to a state or local agency pursuant to this paragraph.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are located in Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with paragraphs (j) (2), (3), and (4) of this section.

(9.0) 52.234 Source surveillance.

52.234 Source Surveillance.

(a) Except in the Air Pollution Control Districts (APCD) listed in this paragraph, the requirements of 51.19 of this chapter are not met since the plan does not provide for recordkeeping and periodic reporting of emission data by sources.

(1) North Coast Intrastate:

(i) Mendocino County APCD

(ii) Lake County APCD

(2) San Joaquin Valley Intrastate:

(i) Calaveras County APCD

(ii) Mariposa County APCD

(3) Sacramento Valley Intrastate:

(i) Sierra County APCD

(4) Metropolitan Los Angeles Intrastate:

(i) Ventura County APCD

(b) The requirements of 51.19 (b) of this chapter are not met since the plan does not adequately provide for periodic testing and inspection of stationary sources within the Bay Area Air Pollution Control District portion of the San Francisco Bay Area Intrastate Region.

(c) The requirements of 51.19 (c) of this chapter are not met since the system for detecting violations through enforcement of visible emission regulations and complaint handling is not adequately described.

(d) Regulation for source recordkeeping and reporting.

(1) The owner or operator of any stationary source in the State of California, except for those APCD's specified in paragraph (a) of this section, shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the Administrator, and shall be submitted within 45 days after the end of the

reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the intial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administration shall be retained by the owner or operator for 2 years, after the date on which the pertinent report is submitted. (37 FR 10850, May 31, 1972, as amended at 37 FR 19813, Sept.22, 1972; 38 FR 12707, May 14, 1973)

(6.0) 52.240 Federal compliance schedules.

(c) Federal compliance schedule.

(1) Except as provided in subparagraph (2) of this paragraph, the owner or operator of any stationary source subject to rule 68.a of the Orange County Air Pollution Control district shall comply with such rule or regulation on or before January 31, 1974.

(i) Any owner or operator in compliance with this rule on the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this paragraph.

(ii) Any owner or operator who acheives compliance with such rule or regulation after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to paragraph (c) (1) of this section may, not later than 120 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with the rules and regulations specified in paragraph (c) (1) of this section as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to: submittal of final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(d) Regulation for increments of progress.

(1) The requirements of this paragraph are applicable to any

stationary source in the following regions subject to the indicated regulations.

(i) Metropolitan Los Angeles Intrastate:

(a) Rules 50-A, 52-A, 53-A(a), 53-A(b), 53-A(c), 53.2, 53.3, 54.A, 58.A, 62.1, 68, 69, 70, and 71 of the San Bernardino County APCD

(b) Rules 53, 72.1 and 72.2 of the Riverside County APCD

(c) Rules 53, and 66.c of the Orange County APCD

(d) Rule 39.1 of the Santa Barbara County APCD

(e) Rule 59 of the Ventura County APCD

(f) Rule 66(c) and 68 of the Los Angeles County APCD

(ii) Northeast Plateau Intrastate:

(a) Rule 4.5 of the Siskiyou County APCD

(iii) San Francisco Bay Area Intrastate:

(a) Rule 64(c) of the Sonoma County APCD

(iv) Southeast Desert Intrastate:

(a) Rules 50-A, 52-A, 53-A(a), 53-A(b), 53-A(c), 53.2, 53.3, 54.A, 58.A, 62.1, 68, 69, 70, and 71 of the San Bernardino County APCD

(b) Rules 53, 72.1, and 72.2 of the Riverside County APCD

(v) San Joaquin Valley Intrastate:

(a) Rule 409 of the Tulare County APCD

(vi) North Coast Intrastate:

(a) Rule 4.5 of the Siskiyou County APCD

(2) Except as provided in subparagraph (3) of this paragraph, the owner or operator of any stationary source shall, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval, a proposed compliance

schedule that demonstrates compliance with the applicable regulations as expeditiously as practicable but no later than the final compliance date specified by such applicable regulation. The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: submittal of final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process modification; and final compliance.

(3) Where any such owner or operator demonstrates to the satisfaction of the Administrator that compliance with the applicable regulations will be achieved on or before January 31, 1974, no compliance schedule shall be required.

(4) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(5) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(e) Federal compliance schedules. The compliance schedules for the sources identified below are approved as meeting the requirements of 51.15 and paragraph (d) of this section. All regulations cited are air pollution control regulations of the specific county in which the source is located,unless otherwise noted.

Source	County Location	Regulation Involved	Effective Date	Final Compliance Date
Douglas Aircraft Co.	Los Angeles	Rule 66 (C)	Sept. 1, 1974	Aug. 31, 1974
City of Los Angeles, Department of Water and Power:				
a. Haynes Unit 1	do	Rule 68	Dec. 31, 1974	July 5, 1974
b. Haynes Unit 2	do	do	do	Nov. 29, 1974
c. Haynes Unit 3	do	do	do	Dec. 13, 1974
d. Haynes Unit 4	do	do	do	Aug. 12, 1974
e. Haynes Unit 5	do	do	do	Dec. 30, 1974
Southern California Edison Co.:				
a. Alamitos Unit 5	do	do	do	Dec. 31, 1974
b. Alamitos Unit 6	do	do	do	Do.
c. Redondo Unit 7	do	do	do	Do.
d. Redondo Unit 8	do	do	do	Do.
e. Ormond Beach Station Unit 1	Ventura	Rule 59	Jan. 1, 1975	Do.
f. Ormond Beach Station Unit 2	do	do	do	Do.
Kerr-McGee Chemical Co.:				
a. Chemi dryer (potash section)	San Bernardino	Rules 50A, 52A, & 54A	do	Oct. 15, 1974
b. Supo dryer (potash section)	do	do	do	Nov. 10, 1974
c. No. 1 aghi dryer (potash section)	do	do	do	Dec. 15, 1974
d. No. 2 aghi dryer (potash section)	do	do	do	Nov. 15, 1974
e. Boric acid dryer (boron section	do	do	do	Nov. 1, 1974
f. No. 2 dryer (soda products section)	do	do	do	Dec. 20, 1974
g. Licons roaster (soda products section)	do	do	do	Dec. 1, 1974
h. Bleacher (carbonation section)	do	do	do	Dec. 15, 1974
Riverside Cement Co. Kilns 1 through 5		Rules 52A & 54A	do	Dec. 31, 1974
Stauffer Chemical Co.:				
a. Grade 80 plant	do	Rules 50A & 52A	do	Dec. 20, 1974
b. Dense ash plant	do	do	do	Nov. 15, 1974
c. Anhydrous boron plant	do	do	do	Nov. 8, 1974
Witteman Steel Mills	do	Rule 50A	do	Jan. 1, 1975

(7.0) 52.242 Inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles which need emission control-related maintenance and requiring that maintenance be performed.

(2) "Light-duty vehicle" means any gasoline-powered motor vehicle rated at 6,000 pounds GVW or less.

(3) All other terms used in this section that are defined in Appendix N to Part 51 of this chapter, are used herein with the meanings so defined.

(b) This section is applicable in the Metropolitan Los Angeles, San Diego, Sacramento Valley, San Joaquin Valley, and San Francisco Bay Area Intrastate Air Quality Control Regions (hereinafter referred to as the Regions).

(c) The State of California shall establish an inspection and maintenance program applicable to all light-duty vehicles registered in the Regions that operate on streets or highways over which it has ownership or control. The State may exempt any class or category of vehicles which it finds are rarely used on public streets and highways (such as classic or antique vehicles). Under the program, the State shall:

(1) Inspect all light-duty motor vehicles at periodic intervals no more than one year apart.

(2) Apply inspection failure criteria consistent with the emission reductions claimed in the plan for the strategy. These emission reductions are 15 percent for hydrocarbons and 12 percent for carbon monoxide.

(3) Ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards, and retest failed vehicles following maintenance.

(4) (Reserved)

(5) Begin the first inspection cycle on October 1, 1975, completing it by September 30, 1976.

(6) Designate an agency or agencies responsible for conducting the inspection and maintenance program.

(d) After September 30, 1976, the State shall not register or allow to operate on its streets or highways any light-duty vehicle that does not comply with the applicable requirements of the program established under paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After September 30, 1976, no owner of a light-duty vehicle shall operate or allow the operation of such vehicle that does not comply with the applicable requirements of the program established under paragraph (c) of this section. This shall not apply to the initial registration of a new vehicle.

(f) The State of California shall submit no later than February 1, 1974, a detailed compliance schedule showing the steps it will take to establish an inspection and maintenance program pursuant to paragraph (c) of this section.

(12.0) 52.243 Motorcycle limitation.

(a) Definitions:

(1) "Motorcycle" means any self-propelled, two- or three-wheeled motor vehicle capable of carrying one or more persons.

(b) This section is applicable in the San Diego, Los Angeles, San Francisco Bay Area, San Joaquin Valley, and Sacramento Valley Air Quality control Regions (the "Region").

(c) As of January 1, 1976, the State of California shall prohibit the operation of motorcycles in each Region between the hours of 6 a.m. and 8 p.m. during the months of May, June, July, August, and September.

(d) The restrictions set forth in paragraph (c) of this section shall be of no force and effect during the period from January 1, 1976, to December 31, 1978, if the Administrator establishes legally valid and binding emission standards applicable to all new motorcycles meeting the light-duty vehicle definition of the Clean Air Act, sold in 1976 and later model years, and such standards require emission levels representing at least a 50 percent reduction in present emission levels of hydrocarbons emitted by 2-stroke motorcycles and a significant reduction in emissions of carbon monoxide from present levels emitted by both 2- and 4-stroke motorcycles.

(e) The restrictions set forth in paragraph (c) of this section shall be of no force and effect on and after January 1, 1979, if the Administrator establishes legally valid and binding emission standards for new motorcycles sold in the 1979 and later model years, and such standards receive motorcycles manufactured during the 1979 and later model years to achieve at least the same degree of emission control of hydrocarbons and carbon monoxide as is required for 1976 and later model year light-duty vehicles.

(f) No later than July 1, 1975, and July 1, 1978, respectively (unless the applicable exemptions under paragraphs (d) or (e) of this section have become available), the State shall submit a detailed compliance schedule showing the steps it will take to implement and enforce these requirements, including:

(1) The text of needed statutory proposals and needed regulations which it will propose for adoption.

(2) A date by which the State will adopt procedures (or submit evidence that they are in existence) necessary to restrict the operation of motorcycles as required above. Such date shall be no later than December 1, 1975, and December 1, 1978, respectively.

(12.0) 52.224 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device installed in the exhaust system of a vehicle that utilizes a catalyst and, if necessary, an air pump to reduce emissions of hydrocarbons and carbon monoxide from that vehicle.

(2) "Light-duty vehicle" means any gasoline-powered motor vehicle rated at 6,000 pounds GVW or less.

(3) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter, are used herein with the meanings so defined.

(b) This section is applicable in the San Diego, San Francisco Bay Area, San Joaquin Valley, Sacramento Valley, and Metropolitan Los Angeles Intrastate Air Quality Control Regions.

(c) The State of California shall establish a retrofit program to ensure that on or before May 31, 1977, all gasoline-powered, light-duty motor vehicles of model years 1966 through 1974, which are subject under currently existing legal requirements to registration in the area defined in paragraph (b) of this section, and which are capable of operating on unleaded gasoline having a research octane number (RON) of 91 or lower, are equipped with an appropriate oxidizing catalyst retrofit device. No later than September 1, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use in motor vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (c) (3) of this section are enforced.

(3) A provision that, starting no later than December 1, 1975, the State of California shall commence retrofitting oxidizing catalysts to those light-duty motor vehicles able to operate properly and safely on unleaded 91 RON gasoline. The installation shall be completed by May 31, 1977.

(4) A method and proposed procedures for ensuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and that they have an adequate supply of retrofit components.

(d) After May 31, 1977, the State shall not register or allow to operate on public streets or highways any light-duty, gasoline-powered vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(f) The State of California shall submit, no later than April 1, 1974, detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, and the text of needed statutory proposals and needed regulations that it will propose for adoption. The compliance schedule shall include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than January 1, 1975.

(12.0) 52.245 Control of oxides of nitrogen, hydrocarbon, and carbon monoxide emissions from in-use vehicles.

(a) The State of California retrofit program, authorized under section 39176 of the State of California Health and Safety Code and established by the California Air Resources Board for the purpose of controlling oxides of nitrogen, hydrocarbon, and carbon monoxide emissions from model year 1955 through 1965 light-duty motor vehicles, shall be extended to the San Joaquin Valley and Sacramento Valley Intrastate Air Quality Control Regions (the "Regions").

(b) Beginning March 31, 1974, the State of California shall commence the operation of this program in the Regions.
(38 FR 31246, Nov. 12, 1973)

(51.21) 52.246 Control of dry cleaning solvent vapor losses.

(a) For the purpose of this section, "dry cleaning operation" means that process by which an organic solvent is used in the commercial cleaning of garments and other fabric materials.

(b) This section is applicable in the Metropolitan Los Angeles, Sacramento Valley. San Joaquin Valley, and San Francisco Bay Area Intrastate Air Quality Control Regions (the "Regions") except as follows:

(1) In the following portions of the Sacramento Valley Region, this section is rescinded:

(i) Sacramento County APCD

(2) In the following portions of the Metropolitan Los Angeles Intrastate Region, this section is rescinded.

(i) Ventura County APCD

(c) Any dry cleaning establishment that uses solvents containing 4 percent or more by volume of any reactive organic material listed under parpgraphs (k) (1), (2), and (3) of 52.254 except perchloroethylene or any saturated halogenated hydrocarbon shall reduce the emissions of the discharged organics by 90 percent by use of activated carbon adsorption or other appropriate means; not later than January 1, 1975.

(d) If incineration is used as a control technique, 90 percent or more of the carbon in the organic compounds being incinerated must be oxidized to carbon dioxide.

(12.0) 52.247 Definitions for parking management regulations.

(a) For purposes of 52.248, 52.249, 52.250, and 52.251:

(1) "Parking facility" (also called "facility") means any facility, building, structure, lot, or portion thereof used primarily for temporary storage of motor vehicles.

(2) "Parking space" means any area whatsoever customarily used for the temporary storage of a motor vehicle that is not being held for the sole purpose of original sale, resale, or repair.

(3) "Employer" means any person or entity that employs 50 or more persons. "Employee parking space" means any parking space reserved or provide by any employer for the primary use of his employees.

(4) "Residential parking space" means any parking space used primarily for the parking of vehicles of persons residing within less than half a mile of the space.

(5) "Commercial parking space" means any parking space in which the parking of a single motor vehicle is permitted for a fee. It includes on-street parking governed by parking meters, and excludes employee and residential parking spaces.

(6) "Free parking space" means any parking space in which the parking space in which the parking of a single motor vehicle without fee is permitted or encouraged by the person having control of such space, whether for the purpose of encouraging patronage of commercial establishment(s) or otherwise. It includes free on-street parking and free parking on vacant lots, and excludes employee and residential parking spaces. All parking spaces are either commercial, employee, residential, or free parking spaces.

52.248 - 52.250 (Reserved)

(12.0) 52.251 Management of parking supply.

(a) Definitions:

(1) "Parking Facility" (also called "facility") means a lot, garage, building or structure, or combination or portion thereof, in or on which motor vehicles are temporarily parked.

(2) "Vehicle trip" means a single movement by a motor vehicle that that originates or terminates at a parking facility.

(3) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land, a building or structure, or portion thereof, for use as a facility.

(4) "Modification" means any change to a parking facility that increases or may increase the motor vehicle capacity of or the motor vehicle activity associated with such parking facility.

(5) "Commence" means to undertake a continuous program of on-site construction or modification.

(b) This regulation is applicable in the Metropolitan Los Angeles, San Diego, and San Francisco Bay Area Intrastate Air Quality Control Regions, in the Stanislaus, Fresno, San Joaquin, and Kern County portions of the San Joaquin Valley Intrastate Air Quality Control Region, and in the Sacramento, Yolo, El Dorado, and Placer County portions of the Sacramento Valley Intrastate Air Quality Control Region.

(c) The requirements of paragraphs (d) through(i) of this section are applicable to the following parking facilities in the area specified in paragraph (b) of this section, the construction or modification of which is commenced after January 1, 1975.

(1) Any new parking facility with parking capacity for 250 or more vehicles;

(2) Any parking facility that will be modified to increase parking capacity by 250 or more vehicles; and

(3) Any parking facility constructed or modified in increments which individually are not subject to review under paragraph (c) (1) and/or (c) (2) of this section but which, when all such increments occurring since January 1, 1975, are added together, as a total would subject the facility to review under paragraphs, (c) (1) and/or (c) (2) of this section.

(d) No person shall commence construction or modification of any facility subject to this section without first obtaining written approval from the Administrator or an agency designated by him; provided that his paragraph shall not apply to any proposed construction or modification for which a general construction contract was finally executed by all appropriate parties on or before January 1, 1974, in good faith and not for the purpose of avoiding review. It does not apply to any parking facility constructed or operated together with a residential building or buildings for the primary use of residents of such building(s), nor does it apply to any parking facility to be constructed by a religious organization and to be used solely for religious purposes (not including high schools and college-level education).

(e) No approval to construct or modify a facility shall be granted unless the applicant shows to the satisfaction of the Administrator or an agency approved by him that either:

(1) There is a clear economic or social need for the facility, and that it will be so designed and located as to minimize any adverse impact on air quality; or

(2) Commitments made by the applicant prior to the effective date of this regulation make it unjust to require more than limited alterations to minimize effect on air quality; or

(3) (i) The design or operation of the facility will not cause a violation of the control strategy which is part of the applicable implementation plan and will be consistent with the plant's VMT reduction goals; and

(ii) The emissions resulting from the design or operation of the facility will not prevent or interfere with the attainment or maintenance of any national ambient air quality standard at any time within 10 years from the date of application. A permit may not be denied for reasons based on air quality in any case where the applicant makes a showing satisfactory to the Administrator or the agency designated by him that the spaces to be built will be used exclusively for serving mass transit (for example, as part of a park-and-ride system).

(f) Except to the extent that the Administrator or agency designated by him may waive any such requirement in writing, all applications for approval under this section shall include the following information:

(1) Name and address of the applicant.

(2) Location and description of the parking facility.

(3) A proposed construction schedule.

(4) The normal hours of operation of the facility and the enterprises and activities that it serves.

(5) The total motor vehicle capacity before and after the construction or modificiatoin of the facility.

(6) The number of people using or engaging in any enterprises or activities that the facility will serve on a daily basis and a peak hour basis.

(7) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projection shall include data concerning the availability of mass transit from such areas.

(8) An estimate of the average and peak hour vehicle trip generation rates, before and after construction or modification of the facility.

(9) An estimate of the effect of the facility on traffic pattern and flow.

(10) An estimate of the effect of the facility on total VMT for the air quality control region.

(11) Additionalinformation, plans, specification, or documents as required by the Administrator.

(g) If the administrator or agency designated by him specifically so requests, the application shall also include an analysis of the effect of the facility on site and regional air quality, including where applicable a showing that the facility will be compatible with the applicable implementation plan, and that the facility will not cause any national air quality standard to be exceeded within 10 years from date of application. The Administrator may prescribe a standardized screening technique to be used in analyzing the effect of the facility on ambient air quality.

(h) Each application shall be signed by the owner or operator of the facility, whose signature shall constitute an agreement that the facility shall be operated in accordance with applicable rules, regulations, permit conditions, and the design submitted in the application.

(i) Within 30 days after receipt of an application, the Administrator or agency approved by him shall notify the public by prominent

advertisement in the region described in paragraph (b) of this section, of the receipt of the application and the proposed action on it (whether approval, conditional approval, or denial), and shall invite public comment.

(1) The application, all submitted information, and the terms of the proposed action shall be made available to the public in a readily accessible place within the area described in paragraph (b) of this section.

(2) Public comments submitted within 30 days of the date such information is made available shall be considered in making the final decision on the application.

(3) The Administrator or agency approved by him shall take final action (approval, conditional approval, or denial) on an application within 30 days after close of the public comment period.

(j) For any new parking facility with capacity for 50 to 249 motor vehicles, any facility which will be modified to increase parking capacity by 50 to 249 motor vehicles, and any facility constructed or modified in increments which individually are not subject to review under this paragraph, but which, when all such increments occurring since January 1, 1975, are added together, as a total would subject the facility to review under this paragraph, no person shall commence construction or modification without first furnishing to the Administrator or any agency designated by him, the information required by paragraphs (f) (1) through (f) (5) of this section No approval will be required by the Administrator unless the determination specified in paragraph (k) of this section is made. This paragraph shall not apply to any proposed construction or modification for which a general construction contract was finally executed by all appropriate parties on or before January 15, 1975.

(k) If the Administrator, or an agency designated by him, determines, and gives prominent public notice of such determination, that construction of parking lots of 50 to 249 spaces (or modification of parking lots to add 50 to 249 spaces) in any geographical subdivision of the areas specified in paragraph (b) of this section, is having or is likely to have a significant detrimental effect on the control strategies in this transportation control plan or on air quality, he may require approval by him, or an agency designated by him, pursuant to the procedures in paragraphs (d) through (i) of this section prior to construction of any additional such lots in such a subdivision. The Administrator shall approve an application unless he determines that the facility to be constructed would, either in itself or when viewed as part of a pattern of development, have a significant adverse impact on the applicable transportation control strategy.

(l) As an alternative to satisfying the requirements of paragraphs (d) through (k) of this section, any local jurisdiction, or authority may submit to the Administrator a comprehensive parking management plan covering, at a minimum, the next 5 years. The plan should be submitted no later than October 15, 1974. The Administrator shall approve such plan if he finds that:

(1) The agency submitting the plan has full and adequate legal authority to enforce compliance with its requirements.

(2) The area over which the agency exercises the authority described in paragraph (j) (l) of this section is a logical unit for air pollution control planning purposes.

(3) The plan sets forth a complete description of where additional construction of parking facilities will be allowed under this plan or by further measures already adopted or to be adopted. The plan must state in detail the reasons for expecting any anticipated reduction in parking spaces, and must provide that no parking facility may legally be constructed in the area subject to the plan unless such construction is specifically authorized by the plan.

(4) The plan demonstrates that if its terms are carried out, air quality will improve at least as much as if all new parking facilities were subject to the requirements of paragraphs (d) through (k) of this section were followed, the plan shall show by clear and convincing evidence any resulting impact on air quality to be insubstantial.

(5) The plan has been adopted after a public hearing held in conformity with the requirements of 51.4 of this chapter.

(m) In any area covered by a parking management plan approved under paragraph (l) of this section, no action to expand the number of spaces at parking facilities may be taken that is not explicitly provided for in the plan without a permit issued in accordance with the requirements of paragraphs (d) through (k) of this section.

(51.21) 52.252 Control of degreasing operations.

(a) "Degreasing" means any operation using an organic solvent as a surface cleaning agent prior to fabricating, surface coating, electroplating, or any other process.

(b) This section is applicable in the Metropolitan Los Angeles, Sacramento Valley, San Joaquin Valley, and San Francisco Bay Area Air Quality Control Regions (the "Regions"), except as follows:

(1) In the following portions of the Sacramento Valley Region, this section is rescinded:

(i) Sacramento County APCD

(2) In the following portions of the Metropolitan Los Angeles Intrastate Region, this section is rescinded:

(i) Ventura County APCD

(c) Any organic emissions discharged from degreasing operations must either be reduced by at least 85 percent, or the degreasing solvent must be classified as non-photochemically reactive as defined by paragraph (k) of 52.254 no later than January 1, 1975. This regulation shall not be construed as lessening any emission control requirement specified under EPA approved regulations or 52.254. Degreasing operations using perchloroethylene or saturated halogenated hydrocarbons shall be exempt from the requirements of this section.

(51.21) 52.253 Metal surface coating thinner and reducer.

(a) All terms defined in 52.254 are used herein with the meanings so defined.

(b) This section is applicable in the Metropolitan Los Angeles, San Diego, Sacramento Valley, San Joaquin Valley, and San Francisco Bay Area Intrastate Air Quality Control Regions (the "Regions"), except as follows:

(1) In the following portions of the Sacramento Valley Region, this section is rescinded:

(i) Sacramento County APCD

(2) In the following portions of the Metropolitan Los Angeles Intrastate Region, this section is rescinded:

(i) Ventura County APCD

(c) The composition of the organics in all metal surface coating thinners and reducers that are manufactured after January 1, 1975, and are used in the Regions, shall conform to paragraph (k) of 52.254 so as to be defined as a non-photochemcially reactive solvent.

(d) After July 1975, the composition of the organics in all metal surface coating thinners and reducers that are used in the Regions, shall conform to paragraph (k) of 52.254 so as to be defined as a non-photochemically reactive solvent.

(e) If there is an inadequate supply of necessary solvent ingredients needed in the manufacture of metal surface coating thinners and reducers for the purpose of meeting the composition requirements of this section in the time constraint required by this section; then evidence of such a supply inadequacy must be presented to the Administrator by the manufacturers of the metal surface coating thinners and reducers, so that the Administrator may grant to the industry an appropriate implementation time extension for meeting the requirements of this section, if and as warranted by the evidence presented.

(50.4) 52.254 Organic solvent usage.

(a) This section is applicable in the Sacramento Valley, San Francisco Bay Area, and San Joaquin Valley Intrastate Air Quality Control Regions (the "Regions"), except as follows:

(1) In the following portions of the San Joaquin Valley Region, only the hourly emission limitations contained in paragraphs (b), (c), and (d) of this section are in effect; the following paragraphs, needed for interpretation and enforcement of these emission limitations, are also in effect: Paragraphs (e) through (l) and (o) through (q) of this section.

(i) Stanislaus County

(ii) Kern County APCD

(iii) Fresno County APCD

(iv) San Joaquin County APCD

(v) Madera County APCD

(2) In the following portions of the San Joaquin Valley Region, only the hourly emission limitations contained in paragraphs (b), (c) and (d) of this section and the architectural coatings and solvent disposal emission limitations contained in paragraphs (m) through (n) of this section are in effect; the following paragraphs, needed for interpretation and enforcement of these emission limitations, are also in effect: Paragraphs (e) through (l) and (o) through(q) of this section.

(i) Kings County APCD

(3) In the following portions of the Sacramento Valley Region this section is rescinded:

(i) Sacramento County APCD

(b) No person shall discharge into the atmosphere more than 15 pounds of organic materials in any 1 day or more than 3 pounds in any 1 hour from any article, machine, equipment, or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured, or heat-polymerized in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing continuous web, strip, or wire that emit organic materials in the course of using operations described in this section shall be collectively subject to compliance with this section.

(c) A person shall not discharge to the atmosphere more than 40 pounds of organic materials in any 1 day or more than 8 pounds in any 1 hour from any article, machine, equipment, or other contrivance used under conditions other than those described in paragraph (b) of this section for employing or applying any photochemically reactive solvent, as defined in paragraph (k) of this section, or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air-or heated-drying of products of the first 12 hours after their removal from any article, machine, or other contrivance described in this section shall be included in determining compliance with this paragraph. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in paragraph (b) of this section shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire that emit organic materials in the course of using operations described in this section shall be collectively subject to compliance with this section.

(d) A person shall not, after August 31, 1976, discharge into the atmosphere more than 3,000 pounds of organic materials in any 1 day or more than 450 pounds in any 1 hour from any article, machine, equipment or other contrivance in which any non-photochemically reactive organic solvent or any material containing such a solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air- or heated-drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in paragraph (b) of this section shall be excluded from determination of compliance with this section. Those portions of any series of articles machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire that emit organic materials in the course of using operations described in this section shall be collectively subject to compliance with thise section.

(e) Emissions of organic materials to the atmosphere from the cleaning with photochemically reactive solvent, as defined in paragraph (k) of this section, of any article, machine, equipment, or other contrivance described in paragraphs (b), (c), or (d) of this section, shall be included with the other emissions of organic materials for determining compliance with this rule.

(f) Emissions of organic materials into the atmosphere required to be controlled by paragraphs (b), (c) or (d) of this section, shall be reduced by:

(1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(2) Adsorption, or

(3) Processing in a manner determined by the Administrator to be not less effective than the methods outlined in paragraph (f) (1) or (2) of this section.

(g) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct to permit to operate, or as specified by the Administrator, for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(h) Any person using organic solvents or any materials containing organic solvents shall supply the Administrator upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties, and amount consumed for each organic solvent used.

(i) The provisions of this section shall not apply to:

(1) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

(2) The use of equipment for which other requirements are specified by rules or which are exempted from air pollution control requirements by applicable rules affecting the storage of petroleum products, effluent oil-water separators, and the transfer of gasoline.

(3) The spraying or other employment of insecticides, pesticides, or herbicides.

(4) The employment, application, evaporation, or drying of saturated halogenated hydrocarbons or perchloroethylene.

(5) The use of any material in any article, machine, equipment, or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The volatile content of such materials consists only of water and organic solvent, and

(ii) The organic solvents comprise not more than 20 percent by volume of said volatile content, and

(iii) The volatile content is not photochemically reactive as defined in paragraph (k) of this section, and

(iv) The organic solvent or any material containing solvent does not come into contact with flame.

This last stipulation applies only for those articles, machines, equipment, or contrivances that are constructed or modified after the effective date of this section.

(6) The use of any material in any article, machine, equipment, or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The organic solvent content of such material does not exceed 30 percent by volume of said material; this to be effective until January 1, 1977. After January 1, 1977, the organic solvent content of such material must not exceed 20 percent by volume of said material.

(ii) The volatile content is not photochemically reactive as defined in paragraph (k) of this section, and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame. This last stipulation applies only for those articles, machines, equpment or contrivances that are constructed or modified after the effective date of this section.

(j) For the purposes of this section, organic solvents include diluents, thinners, and reducers and are defined as organic materials that are liquids at standard conditions and are used as dissolvers, viscosity reducers, or cleaning agents, except that such materials exhibiting a boiling point higher than 220° F at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220° F.

(k) For the purpose of this section, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation; 5 percent;

(2) A combination of aromatic compounds with 8 or more carbon atoms to the molecule except ethylbenzene, phenyl acetate, and methyl benzoate; 8 percent;

(3) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

(l) For the purpose of this section, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, and ammonium carbonate.

(m) Architectural coatings and their use shall conform to the following requirements, on or before January 1, 1975.

(1) A person shall not sell or offer for sale or use in the areas in which this section applies, in containers of 1-quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in paragraph (k) of this section.

(2) A person shall not employ, apply, evaporate, or dry in the areas in which this section applies any architectural coating purchased in containers of 1-quart capacity or larger containing photochemically reactive solvent, as defined in paragraph (k) of this section.

(3) A person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in paragraph (k) of this section.

(4) For the purpose of this section, an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances or for industrial buildings.

(n) A person shall not during any one day dispose of a total of more than 1.5 gallons of any photochemically reactive solvent as defined in paragraph (k) of this section, or of any material containing more than 1.5 gallons of any such photochemically reactive solvent by any means that will permit the evaporation of such solvent into the atmosphere.

(o) Compliance schedule.

(1) Except where other final compliance dates are provided in this section, the owner or operator of any stationary source subject to this section shall comply with this section on or before March 31, 1974. In any event:

(i) Any owner or operator in compliance with this section on the effective date of this section shall certify such compliance to the Administrator no later than 120 days following the effective date of this section.

(ii) Any owner or operator who achieves compliance with this section after the effective date of this section shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(p) Any owner or operator of a stationary source subject to paragraph (o) (1) of this section may, not later than 120 days following the effective date of this section, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with the provisions in paragraph (o) (1) of this section as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to: Submittal of final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for purchase of component parts to accomplish emission control or process modification, initiation of onsite construction or installation of emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification and final compliance.

(q) Any owner or operator who submits a compliance schedule pursuant to this section shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(12.0) 52.255 Gasoline transfer vapor control.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Metropolitan Los Angeles, Sacramento Valley, and San Joaquin Valley Intrastate Air Quality Control Region, except for the air pollution control districts identified below for which the control requirements of this section are limited to facilities with a total throughput less than 20,000 gallons per day, the refilling of delivery vessels at these facilities, and storage containers serviced by these facilities:

(i) Fresno County APCD

(ii) Kern County APCD

(iii) Merced County APCD

(iv) Sacramento County APCD

(v) San Joaquin County APCD

(vi) Santa Barbara County APCD

(vii) Southern California APCD

(viii) Stanislaus County APCD

(ix) Tulare County APCD

(x) Ventura County APCD

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced form the stationary container location.

(1) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(2) If a "vapor-tight vapor return" system is used to meet the requirements of this section, the system shall be so constructed as to be readily adapted to retrofit with an absorption system, refrigeration-condensation system, or equivalent vapor removal system, and so constructed as to anticipate compliance with 52.256.

(3) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling.

(iii) Facilities that do not have more than 20,000 gallon per day through-put and distribute less than 10% of daily volume to delivery vehicles that in turn service storage tanks that are required to have a vapor return or balance system, will not be required to comply with the provisions of paragraph (c) of this section before May 31, 1977. Facilities that service delivery vehicles that in turn deliver not more than 500,000 gallons per year to storage tanks that are required to comply with the provisions of paragraph (c) of this section will not be required to comply with the provisions of paragraph (c) of this Section before January 1, 1977. Facilities that exclusively service storage tanks that do not have a required vapor return of balance system, will not be required to have a vapor recovery system.

(iv) Gasoline storage compartments of 1,000 gallons or less in gasoline delivery vehicles presently in use on the promulgation date of this regulation will not be required to retrofitted with a vapor return system until May 31, 1977.

(v) Storage containers served by delivery vessels filled at distribution facilities with extended compliance dates will not be required to comply with the provisions of paragraph (c) of this section until May 31, 1977.

(d) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Storage containers used primarily for the fueling of implements of husbandry, if such container is equipped by May 31, 1977 with a permanent submerged fill pipe, or at the time of installation for containers installed after this date.

(2) Any storage container having a capacity of 2,000 gallons or less and installed prior to July 1, 1975, if such container is equipped with a permanent submerged fill pipe by May 31, 1977.

(3) Transfer made to storage tanks equipped with floating roofs or their equivalent.

(4) Storage containers installed after July 1, 1975 in Kings County.

(5) Storage containers installed after January 1, 1975 in Madera County.

(e) Compliance schedule:

(1) June 1, 1974 - Submit to the Administrator a final control plan, which describes at a minimum the steps that will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) March 1, 1975 - Negotiate and sign all necessary contracts for emission control systems or issue orders for the purchase of component parts to accomplish emission control.

(3) May 1, 1975 - Initiate on-site construction or installation of emission control equipment.

(4) February 1, 1976 - Complete on-site construction or installation of emission control equipment.

(5) July 1, 1976 - assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(f) Paragraph (e) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions

of paragraph (c) of this section and which has certified such compliance to the Administrator by June 1, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by June 1, 1974, a proposed alternative schedule. No such schedule may provide for compliance after March 1, 1976. If promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

(g) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (e) of this section fails to satisfy the requirements of 51.15 (b) and (c) of this chapter.

(h) Any gasoline-dispensing facility subject to this section that installs a storage tank after the effedtive date of this section shall comply with the requirements of paragraph (c) of this section by March 1, 1976 and prior to that date shall comply with paragraph (e) of this section as far as possible. Any facility subject to this section that installs a storage tank after March 1, 1976, shall comply with the requirements of paragraph (c) of this section at the time of installation.

(12.0) 52.256 Control of evaporative losses from the filling of vehicular tanks.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Metropolitan Los Angeles, Sacramento Valley, and San Joaquin Valley Intrastate Air Quality Control Regions.

(c) A person shall not transfer gasoline to an automotive fuel tank from a gasoline dispensing system unless the transfer is made through a fill nozzle designed to:

(1) Prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or dispensing nozzle;

(2) Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors are recovered; and

(3) Prevent automotive fuel tank over-fills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section can consist of a vapor-tight vapor return line from the fill nozzle/filler neck interface to the dispensing tank or to an adsorption, absorption incineration, refrigeration-condensation system or its equivalent.

(e) Components of the systems required by paragraph (c) of 52.255 can be used for compliance with paragraph (c) of this section.

(f) If it is demonstrated to the satisfaciton of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of vehicle fill neck configuration, location, or other design features for a class of vehicles, the provisions of this paragraph shall not apply to such vehicles. However, in no case shall such configuration exempt any gasoline dispensing facility from installing and using in the most effective manner a system required by paragraph (c) of this section.

(g) Compliance schedule:

(1) January 1, 1975 - Submit to the Administrator a final control plan, which describes at a minimum the steps that will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) March 1, 1975 - Negotiate and sign all necessary contracts

for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) May 1, 1975 - Initiate on-site construction or installation of emission control equipment. Compliance with the requirements of paragraph (c) of this section shall be as soon as practicable, but no later than specified in paragraph (g) (4) and (5) of this section.

(4) May 1, 1977 - Complete on-site construction or installation of emission control equipment or process modification.

(5) May 31, 1977 - Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph (g) shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(h) Paragraph (g) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by January 1, 1975. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by June 1, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1977. If promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

(i) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (g) of this section fails to satisfy the requirements of 51.15 (b) and (c) of this chapter.

(j) Any gasoline dispensing facility subject to this section that installs a gasoline dispensing system after the effective date of this section shall comply with the requirements of paragraph (c) of this section by May 31, 1977, and prior to that date shall comply with paragraph (g) of this section as far as possible. Any facility subject to this section that installs a gasoline

dispensing system after May 31, 1977, shall comply with the requirements of paragraph (c) of this section at the time of installation.

Note: The compliance dates given in paragraphs (g) (1) - (e) were deferred indefinitely at 40 FR 1127, Jan. 6, 1975.

(12.0) 52.257 Computer carpool matching.

(a) "Carpool matching" means assembling lists of commuters with similar daily travel patterns and providing a mechanism by which persons on such lists may be put in contact with each other for the purpose of forming carpools.

(b) This section is applicable to the Metropolitan Los Angeles, San Francisco Bay Area, and San Diego Air Quality Control Regions; in the Fresno, San Joaquin, Stanislaus, and Kern counties of the San Joaquin Valley Air Quality Control Region; and in the Sacramento, Placer, Yolo, and El Dorado counties of the Sacramento Valley Intrastate Air Quality Control Region (the "Regions").

(c) The State of California shall, unless exempted by the Administrator on the basis of a finding that equivalent service is being or will be provided by some other public or private entity, establish on or before January 1, 1975, a computer-aided carpool matching system that is conveniently available to the general public and to all employees of businesses within the Regions having more than 100 employees who operate light-duty vehicles on streets and highways over which the State of California has ownership or control. In the Los Angeles Region, however, the system need only, by January 1, 1975, cover employees in Los Angeles County and other cities in the Region having populations greater than 50,000, but it must be expanded to its full required scope by May 31, 1975.

(d) No later than July 1, 1974, the State of California shall furnish the Administrator with separate compliance schedules (including any necessary draft or adopted regulations) for implementing the requirements of paragraph (c) of this section in each of the Regions. The compliance schedule shall include:

(1) A method of collecting information that will include the following as a minimum:

(i) Provisions for each affected employee to receive an application form with a cover letter describing the matching program;

(ii) Provision on each application for applicant identification of time, origin, and destination, and the applicant's desire to ride only, drive only, or share driving;

(iii) A computer method of matching information that will have provisions for locating each applicant's origin and destinations and travel schedules and enabling the persons so matched to make contact with each other at

the request of any one of them;

(iv) A method of providing continuing service such that the matched lists of all applicants are retained and made available for use by new applicants, application forms are currently available, and the master lists are periodically updated to remove applicants who no longer meet the governing criteria and add new applicants who do.

(v) An agency or agencies responsible for operating, overseeing, and maintaining the computer carpool matching system.

(e) No later than September 31, 1974, the State of California shall submit to the Administrator validly adopted regulations establishing the program outlined in each such compliance schedule.

(f) The State of California shall, in conjunction with the employers listed below, establish pilot programs for each region specified to assist it in developing the full-scale carpooling systems required by paragraph (c) of this section:

(1) In the San Diego Region - U.S. Navy Underwater Systems Center and the U.S. Navy Electronics Laboratory.

(2) In the San Francisco Region - U.S. Naval Base at Treasure Island, Alameda U.S. Naval Air Station, Presidio of the U.S. Army, and U. S. Naval Air Station at Moffet Field.

(3) In the Sacramento Valley Region - the McClellan Air Force Base, Sacramento.

(4) In the San Joaquin Valley Region - the Internal Revenue Service, Butler and Willow Avenues, Fresno.

(5) In the Los Angeles Region - the State shall cooperate with the City of Los Angeles to establish a pilot program for all employees in the Los Angeles central business district.

(g) The pilot programs listed in paragraph (f) of this section shall be implemented on the following schedule:

(1) On or before December 31, 1973, each employer or other entity subject to obligations under paragraph (f) of this section shall, together with the State of California, submit to the Administrator a compliance schedule conforming to the substantive requirements of paragraph (d) (1) of this section.

(2) No later than March 31, 1975, the pilot program shall begin operation.

(12.0) 52.258 Mass transit priority--exclusive bus use

(a) This regulation is applicable in the San Diego Intrastate Air Quality Control Region.

(b) On or before October 30, 1974, the City of San Diego shall convert all lanes of roadway, from Kettner Boulevard to 14th Street, in the City of San Diego, to the exclusive use of buses.

(c) On or before March 31, 1974, the City of San Diego shall submit to the Administrator a detailed compliance schedule showing the steps it will take to convert Broadway to the exclusive use of buses. The compliance schedule shall specify measures to prevent the use of Broadway by non-buses and shall provide for the establishment of a synchronized signal system to maintain traffic speed.

(d) No later than June 1, 1975, the City of San Diego shall submit to the Administrator a detailed compliance schedule in the form specified in paragraph (c) of this section for the conversion to the exclusive use of buses of a significant additional number of miles of street (based on studies available to the Administrator) unless other measures deemed equivalent by the Administrator are submitted. No later than January 31, 1976, the City of San Diego shall put the program so outlined into effect.

(e) On or before October 30, 1974, the State of California shall begin to provide preferential traffic treatment for buses operating between the eastern terminus of the Broadway exclusive bus route established under paragraph (c) of this section and the entrances to State Highway 163.

(f) On or before March 31, 1974, the State of California shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish the required system of preferential treatment. This schedule may provide for the conversion of selected streets to the exclusive use of such buses, for the establishment of bus lanes, for metering of all other traffic using streets set aside for priority use by buses, or for any other such system acceptable to the Administrator.

(12.0) 52.259 Ramp metering and preferential bus/carpool lanes.

(a) "Carpool" means a vehicle containing three or more persons.

(b) This regulation is applicable in the San Diego Intrastate Air Quality Control Region.

(c) On or before June 30, 1974, the State of California shall institute a program to grant preferential treatment to buses and carpools using the following sections of road:

(1) California State Highway 125 from Interstate 8 to the junction with California State Highway 94; and

(2) California State Highway from the junction with California State Highway 125 to the junction with Interstate Freeway 5.

(d) On or before December 31, 1973, the State of California shall submit to the Administrator a detailed compliance schedule detailing the steps it will take to establish the preferential treatment system. The program shall include:

(1) A system of ramp metering designed to prevent the entrance of vehicles other than buses and carpools onto the designated road segments at any time when their entrance would have the effect of reducing the average speed at which buses and carpools travel. Such metering shall be established on each access ramp serving the designated highway segments provided that any given ramp may be exempted from this requirement if the State of California makes a showing satisfactory to the Administrator that the effect on average bus and carpool speed of installing such metering would be insubstantial.

(2) A system of bypass lanes designed to allow buses and carpools to avoid congestion or restrictions caused by the metering system described in paragraph (d)(1) of this section.

(e) No later than September 30, 1975, the State of California shall implement a further system of preferential treatment for buses and carpools. Unless other measures deemed equivalent by the Administrator are submitted, this program shall at a minimum provide for the significant expansion based on studies to be designated by the Administrator of both the bus/carpool lane and the ramp metering systems.

(f) No later than March 30, 1975, the State of California shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish the preferential treatment system required under paragraph (e) of this section.

52.260 (Reserved)

(12.0) 52.261 Preferential bus/carpool lanes, San Francisco Bay Area.

(a) Definitions:

(1) "Bus/carpool lane" means a lane on a street or highway open only to buses (or buses and carpools), whether constructed especially for that purpose or converted from existing lanes.

(2) "Carpool" means a vehicle containing three or more persons.

(b) This regulation is applicable in the San Francisco Bay Area Intrastate Air Quality Control Region (the "Region").

(c) On or before May 1, 1974, the State of California, through the State Department of Transportation or through other agencies to which legal responsibility may have been delegated, shall establish upon at least three major highways having three or more lanes running in each direction, a system of bus/carpool lanes totalling not less than 45 miles running each morning and evening during the hours specified in paragraph (d) (5) of this section in the direction of maximum traffic flow.

(d) On or before March 1, 1975, the State of California shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish the system of bus/carpool lanes required by paragraph (c) of this section, with each schedule to include the following:

(1) Each street or highway that will have bus/carpool lanes must be prominently identified with a schedule for the establishment of the lanes.

(2) Bus/carpool lanes must be prominently indicated by overhead signs at appropriate intervals and at each intersection of entry ramps.

(3) Bus/carpool lanes must be prominently indicated by distinctive painted, pylon, or physical barriers.

(4) Vehicles legally using the bus/carpool lanes shall have the right of way when crossing other portions of the road to enter or leave such lanes.

(5) The bus/carpool lanes required hereunder may be either concurrent flow or contraflow and, at a minimum, shall operate from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m. each weekday.

(e) On or before May 31, 1975, the State of California shall implement

a further bus/carpool lane program under which the total mileage of bus/carpool lanes required by paragraph (c) of this section shall, at a minimum, be doubled. On or before December 31, 1975, the State of California shall submit to the Administrator a detailed compliance schedule in the form specified by paragraph (d) of this section, indicating the measures it will take to establish this further program.

(12.0) 52.262 Submittal of studies - San Francisco Bay Area.

(a) The State of California shall submit to the Administrator by December 31, 1973, a status report on all "corridor issues" presented in The San Francisco Metropolitan Transportation Commission Report of June 27, 1973. This status report shall include, but not necessarily be limited to:

(1) A complete description of the particular corridor issue study.

(2) The date of completion of the study.

(3) The total person-hours necessary for the study.

(4) The relevance of the study to automotive emission reductions.

(5) The status of the study as of December 31, 1973.

(6) The Administrator will evaluate this status report and determine if greater Federal participation is required for either resolution of the study conclusions or implementation of the study's recommendations.

(12.0) 52.263 Priority treatment for buses and carpools - Los Angeles Region.

(a) Definitions:

(1) "Carpool" means a vehicle containing three or more persons.

(2) "Bus/carpool lane" means a lane on a street or highway open only to buses (or to buses and carpools), whether constructed especially for that purpose or converted from existing lanes.

(3) "Preferential treatment" for any class of vehicles, means either the setting aside of one traffic lane for the exclusive use of such vehicles or other measures (for example, access metering or setting aside the entire street), which the Administrator finds would be at least equal in VMT reduction effect to the establishment of such a lane.

(b) This regulation is applicable in the Metropolitan Los Angeles Intrastate Air Quality Control Region (the "Region").

(c) On or before May 31, 1974, the State of California, through the State Deparment of Transportation or through ohter agencies to which legal authority has been delegated, shall establish the following system of bus/carpool lanes.

(1) Ventura/Hollywood Corridor - a concurrent flow exclusive bus/carpool lane from Topanga Canyon Boulevard, Woodland Hills (U.S. 101) to junction of the Hollywood Freeway, and contraflow on the Hollywood Freeway (U.S. 101) from the junction with Ventura Freeway in North Hollywood to Vermont Avenue, and bus preferential treatment on arterial surface streets from Vermont Avenue to the Los Angeles central business district (CBD).

(2) Harbor Freeway Corridor - contraflow on Harbor Freeway (California 11) from vicinity of Pacific Coast Highway, in Wilmington, to junction of Santa Monica Freeway (I-10), then by surface street preferential treatment to LA/CBD.

(3) Wilshire Corridor - surface street preferential bus treatment from vicinity of San Vincente Boulevard, to LA/CBD.

(4) San Bernardino Freeway Corridor - Bus/carpool lane, either contraflow or concurrent flow on San Bernardino Freeway from El Monte terminus of existing San Bernardino Freeway bus lane (I-10), to vicinity of Ontario Airport.

(5) Priority Treatment in CBD - provide preferential treatment in CBD on surface streets to connect Wilshire and San Bernardino corridors.

(d) On or before May 31, 1976, the State of California, through the State Department of Transportation or other agencies to which legal authority has been delegated, shall establish the following system of bus and bus/carpool lanes:

(1) Contraflow lane on the Golden State Freeway (I-5) from junction of Ventura Freeway (California 134) in Los Angeles to San Bernardino Freeway (I-10).

(2) Contraflow on Pasadena Freeway (California 11) from terminus in City of Pasadena to Hollywood Freeway (U.S. 101).

(3) Contraflow on Pomona Freeway from San Gabriel Freeway (I-605) to Santa Ana Freeway (I-5).

(4) Concurrent flow in San Diego Freeway (I-405) from Ventura Freeway (U.S. 101) in Sherman Oaks to Newport Freeway (California 55), Costa Mesa.

(5) Concurrent flow on Long Beach Freeway (California 7) from Santa Ana Freeway (I-5), City of Commerce to San Diego Freeway (I-405), Long Beach.

(6) Artesia Freeway (California 91) from Santa Ana Freeway (I-5) to Long Beach Freeway (California 7), Long Beach.

(e) Stage III will include specific routes in other portions of the Region.

(f) On or before December 31, 1973, the State of California shall submit to the Administrator a compliance schedule showing the steps it will take to establish the system of bus/carpool lanes required by paragraphs (c) and (d) of this section, with each schedule to include the following:

(1) A schedule for the establishment of the lanes. The schedule for the lanes required by paragraph (d) of this section shall provide for the first such lane to be set aside no later than June 1, 1974.

(2) Bus/carpool lanes must be prominently indicated by overhead signs at appropriate intervals and at each intersection of entry ramps.

(3) Bus/carpool lanes must be prominently indicated by distinctive painted, pylon, or physical barriers.

(4) Vehicles using a bus/carpool lane shall have the right of way when crossing other portions of the road to enter or leave such lanes.

(5) At a minimum, the bus/carpool lanes so set aside shall operate from 6:30 a.m. to 9:30 a.m. and from 3:30 to 6:30 a.m. each weekday.

(g) No deviation from the system of bus/carpool lanes required under paragraph (c) and (d) of this section shall be permitted except upon application made by the State of California to the Administrator at the time of submittal of compliance schedules and approved by him, which application must contain a satisfactory designation of alternate routes for the establishment of such lanes.

(12.0) 52.264 Mass transit priority strategy and planning.

(a) In this section and 52.265, "Mass transit priority" means any preferential treatment that is given to mass transit operations and carpool versus the private single passenger automobile, in terms of access, rights-of-way, or any other appropriate measures.

(b) This section is applicable in the four county area of El Dorado, Placer, Sacramento, and Yolo contained in the Sacramento Valley Intrastate Air Quality Control Region.

(c) A study to determine the method or methods suitable for providing mass transit bus operation priority treatment on or in the vicinity of "J" Street in the City of Sacramento, shall be conducted by the State of California or a designated local or regional transportation authority. In addition to or as an adjunct to, the"J" Street study, the State of California or a designated local or regional transportation authority, shall investigate the present and near-term future (i.e. 1975 to 1977) need for priority treatment of mass transit buses in freeway and major thoroughfare operations in the four county area.

(1) The "J" Street portion of this study shall be completed and submitted to the Administrator by March 31, 1974, shall outline a suitable transit priority strategy and shall present in detail the implementation timetables and obstacles associated with the strategy, so that the Administrator can review implementation progress. No later than September 30, 1975, the "J" Street mass transit priority strategy must be implemented.

(2) The "freeway and major thoroughfare" portion of the study shall be completed by March 31, 1974. Estimated implementation timetables and obstacles associated with likely strategies shall be outlined so that the Administrator can review and determine the need and progress of implementation.

(3) With regard to both the "J" Street and the "freeway and major thoroughfare" sections of the study, general guidelines and criteria shall be established for determining the need for or appropriateness of providing mass transit priority in freeway, major thoroughfare, and local street operations, and a system of review for determining the need for implementing mass transit priority strategies shall be presented.

(12.0) 52.265 Mass transit and transit priority planning.

(a) This section is applicable in the Standard Metropolitan Statistical Areas (SMSA's) of the cities of Fresno, Stockton, Bakersfield, and Modesto in the San Joaquin Valley Intrastate Air Quality Control Region.

(b) A study being sponsored by the State of California Department of Transportation is presently in progress and is scheduled for completion in January of 1974. This study will indicate the potential for public transit usage in the Fresno City Area. Using this study and other appropriate information as a guide, the State of California or a designated local or regional transportation authority, shall, by May 31, 1974, submit to the Administrator recommended mass transit strategies, including mass transit priority strategies, that are potentailly useful and feasible in the time frame of the present to 1975 and 1977. The recommendation shall present in detail the implementation milestone timetables and the obstacles associated with the strategies so that the Administrator can review and determine the need for and progress of implementation.

(c) Studies shall be conducted in the Stockton, Bakersfield, and Modestor SMSA's by the State of California or by designated local or tranportation authorities. These studies shall be completed and submitted to the Administrator by September 30, 1974, and shall recommend mass transit strategies, including mass transit priority strategies, that are potentially useful and feasible in the time frame of the present to 1975 and 1977. The recommendation shall present in detail the implementation timetables and obstacles associated with the strategies, so that the Administrator can review all available information and determine the need for and progress of implementation.

(12.0) 52.266 Monitoring transportation mode trends.

(a) This section is applicable to the San Francisco Bay Area, Los Angeles, San Diego, San Joaquin Valley, and Sacramento Intrastate Air Quality Control Regions.

(b) The State of California or a designated agency approved by the Administrator shall monitor the actual per vehicle emissions reductions occurring as a result of the retrofit devices and inspection and maintenance programs required under 52.242, 52.244, and 52.245, and the observed changes in vehicle miles traveled and average vehicle speeds as a result of traffic flow changes and reductions in vehicle use required under 52.241 (if implemented), 52.243, (if implemented), 52.248, 52.249, 25.250, 52.251, 52.257, 52.258, 52.259, 52.261, 52.263, 52.264, and 52.265.

(c) No later than March 1, 1975, the State shall submit to the Administrator a detailed program demonstrating compliance with paragraph (b) of this section and in accordance with 51.19(d) of this chapter. The program description shall include the following.

(1) The agency or agencies responsible for conducting, overseeing, and maintaining the monitoring program.

(2) The administrative process to be used.

(3) A description of the methods to be used to collect the emission reduction/VMT reduction/vehicle speed data, including a description of any modeling techniques to be employed.

(4) The funding requirements, including a signed statement from the Governor or State Treasurer or their respective designees identifying the source and amount of funds for the program.

(d) All data obtained by the monitoring program shall be included in the quarterly report submitted to the Administrator by the State, as required by 51.7 of this chapter, in the format prescribed in Appendix M to Part 51 of this chapter. The first quarterly report shall cover the period January 1 - March 31, 1975.
(38 FR 31255, Nov. 12, 1973)

(17.0) 52.270 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Pollutant	Area Designations: Class I (ug/m^3)	Area Designations: Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed

under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (111) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(39 FR 42514, Dec. 5, 1974; 40 FR 2802, Jan. 16, 1975, as amended at 40 FR 24535, June 9, 1975; 40 FR 25005, June 12, 2975; 40 FR 42012, Sept. 10, 1975)